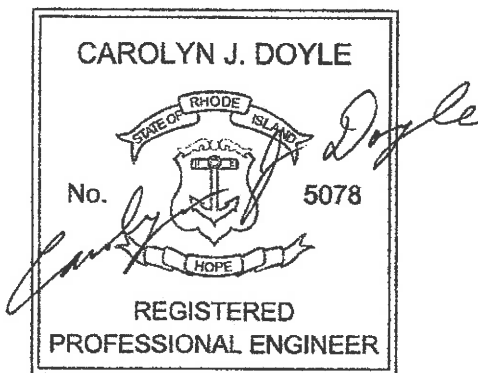


SECTION 1.1.7-VARIANCE NARRATIVE
FOR SECTIONS
1.3.1 D. RESIDENTIAL BOATING FACILITIES & 1.1.7 VARIANCES
OF THE
RHODE ISLAND COASTAL RESOURCES MANAGEMENT PROGRAM
FOR
PROPOSED RESIDENTIAL BOATING FACILITY
LOCATED ON MAP 81-3, LOT 3, 91 OLD SUCCOTASH ROAD
IN THE TOWN OF SOUTH KINGSTOWN, RHODE ISLAND

OWNED BY/PREPARED FOR
JASON E. & RUTH C. MEEKS



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NOVEMBER 2, 2021



THE FOLLOWING IS IN RESPONSE TO THE REQUIREMENTS OF SECTION 1.1.7 OF THE RHODE ISLAND COASTAL RESOURCES MANAGEMENT PLAN.

Project Description

This parcel is developed land with a single-family home with utilities and accessory structures. The inland edge of the coastal feature is shown on the plan and was delineated by Ecotones, Inc. Access to the proposed dock will be from the upland on an existing path. We believe that all requirements of Section 1.3.1 D. Recreational Boating Facilities have been met with the exception of the variances requested below.

Section 1.3.1 D. Recreational Boating Facilities

11. Residential Docks, Piers, and Floats Standards

k. Residential and limited recreational boating facilities shall not intrude into the area within twenty-five (25) feet of an extension of abutting properties lines unless:

- (1) it is to be common structure for two or more adjoining owners, concurrently applying or*
- (2) a letter or letters of no objection from the affected owner or owners are forwarded to the CRMC with the application*
- (3) in the event that the applicant must seek a variance to this standard, the variance request must include a plan prepared by a RI registered Land Surveyor which depicts the relationship of the proposed facility to the effected property line(s) and their extensions.*

RESPONSE: Reference is made to the accompanying plan for details pertaining to the site and residential dock. A variance of up to 17.7' (70.8%) of the required 25' distance from extension of the abutting property line to the north and up to 14.2' (56.8%) of the required 25' distance from the extension of the abutting property line to the west are requested for the following reasons.

- The unique lot configuration does not allow for a dock to be located 25' from extension of the abutting properties lines.
- The dock if located on the recreational easement for the benefit of Lot 3, Tax Map 81-3 would result in more disturbance within the coastal feature and within 150' buffer zone.
- Despite contact with both abutting parties, neither would provide the Letter of No Objection for this proposed design.
- The site plan has been stamped by Jeffrey K. Balch, a RI registered Land Surveyor.
- The dock will not be a common facility with other abutters.

Section 1.1.7. Variances

- A. *Applicants desiring a variance from a standard shall make such requests in writing and address the six criteria listed below in writing. The application shall then be granted an assent only if the council finds that the following six criteria are met:*



1. *The proposed alterations conform with applicable goals and policies in Parts Two and Three of the Coastal Resources Management Program.*

RESPONSE: The proposed project as presented will not cause or accelerate erosion or degrading of the coastal feature. The site abuts Potters Pond, a Type 2 Water. Residential docks are an allowed use in Type 2 Water. An SAV study was completed by Ecotones Inc. in 2020, (attached) and showed SAV near the area of the proposed docks but will not be under the proposed dock as designed. The pond bottom in this area is mud. Due to the unique lot configuration and location of the SAV, a fixed pier touch-and-go dock is proposed and will require relief to both of the abutting property line extensions. An existing path will be used to access the dock. Therefore, we do not foresee any degradation of the scenic or ecological values of the site.

2. *The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.*

RESPONSE: True. The fixed pier portion of the dock will provide a minimum of 4.1' of clearance from the underside of the structure to the wetland substrate. The existing path will be used to access the dock from the upland. The configuration of the dock meets all the requirements of the CRMC program except for the distance from the property line extensions on both the north and west sides of the lot.

3. *Due to conditions at the site in question, the applicable standard cannot be met.*

RESPONSE: True. As previously stated, the available area for development of the dock is limited by the site constraints, an irregular shaped lot such that the lot line extensions actually converge into a point in the pond, the dock and recreational easement shown on the plan would result in more disruption to the environment for construction, and the presence of SAV documented by Ecotones, Inc. in 2020. We have sought to limit the extent of the proposed construction and chosen the proposed dock location carefully to minimize any impact to the environment. Since the dock is located within 25' of both the westerly and northerly property line extension, a Letter of No Objection was requested from both abutters. The affected abutters were each approached but neither will provide the Letter of No Objection. Therefore, a variance is being sought from the property line extension for the abutters to both the north and west. The abutting dock to the north is located 34.5' from the property line, or 41.8' (34.5 + 7.3) from the proposed dock on the subject lot. There is no dock in close proximity to the westerly property line extension. Therefore, the required applicable standards cannot be met due to the particular site conditions.

4. *The modification requested by the applicant is the minimum variance to the applicable standard necessary to allow a reasonable alteration or use of the site.*



RESPONSE: True. The location of the furthest extent of the dock is 31' from MLW. The proposed dock is not located over any areas delineated with SAV. The depth of water at MLW on the seaward end of the fixed pier is 1.7'. Therefore, the requested variances are the minimum necessary to allow reasonable use of the site.

5. *The requested variance to the applicable standard is not due to any prior action of the applicant's predecessors in title.*

RESPONSE: True. The applicant bought the site parcel and has not reconfigured the lot lines in any way. The variances being sought are due to the unique characteristics of the irregular shaped lot. Letters of No Objection have been sought from the abutters to both the north and west, but could not be obtained. Therefore, no prior actions of the current owner or prior owners of this particular parcel are the cause for the requested variances at the site. In fact, the dock and recreational easement shown on the site plan for the benefit of the subject lot is actually a less favorable location for a proposed dock.

6. *Due to the conditions of the site in question, the standard will cause the applicant an undue hardship.*

RESPONSE: True. The current owners propose to build the residential dock as shown on the enclosed site plan. The denial of the requested variances will cause the applicant undue hardship since they will be unable to utilize the subject parcel to meet his needs for boating recreation.

